

# STATE OF NEW YORK

1832

2019-2020 Regular Sessions

## IN ASSEMBLY

January 17, 2019

Introduced by M. of A. ZEBROWSKI -- read once and referred to the  
Committee on Economic Development

AN ACT to amend the alcoholic beverage control law, in relation to  
allowing bed and breakfasts to sell cider, liquor, beer and wine

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 4 of section 51 of the alcoholic beverage  
2 control law, as amended by chapter 431 of the laws of 2014, is amended  
3 to read as follows:

4 4. A licensed brewery may operate a restaurant, a hotel, an establish-  
5 ment designated and commonly known and operated as a bed and breakfast,  
6 a catering establishment, or other food and drinking establishment in or  
7 adjacent to the licensed premises and sell at such place, at retail for  
8 consumption on the premises, beer manufactured by the licensee and any  
9 New York state labeled beer. All of the provisions of this chapter rela-  
10 tive to licenses to sell beer at retail for consumption on the premises  
11 shall apply so far as applicable to such licensee. Notwithstanding any  
12 other provision of law, the licensed brewer may apply to the liquor  
13 authority for a license to sell beer, wine or liquor at retail for  
14 consumption on the premises at such establishment. All of the provisions  
15 of this chapter relative to licenses to sell beer, wine or liquor at  
16 retail for consumption on the premises shall apply so far as applicable  
17 to such application.

18 § 2. Paragraph (g) of subdivision 2 of section 51-a of the alcoholic  
19 beverage control law, as amended by chapter 431 of the laws of 2014, is  
20 amended to read as follows:

21 (g) operate a restaurant, a hotel, an establishment designated and  
22 commonly known and operated as a bed and breakfast, a catering estab-  
23 lishment, or other food and drinking establishment in or adjacent to the  
24 licensed premises and sell at such place, at retail for consumption on  
25 the premises, beer and cider manufactured by the licensee and any New

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 York state labeled beer or New York state labeled cider. All of the  
2 provisions of this chapter relative to licenses to sell beer at retail  
3 for consumption on and off the premises shall apply so far as applicable  
4 to such licensee. Notwithstanding any other provision of law, the  
5 licensed farm brewery may apply to the authority for a license under  
6 this chapter to sell other alcoholic beverages at retail for consumption  
7 on the premises at such establishment;

8 § 3. Paragraph (g) of subdivision 2 of section 51-a of the alcoholic  
9 beverage control law, as amended by chapter 522 of the laws of 2018, is  
10 amended to read as follows:

11 (g) operate a restaurant, a hotel, an establishment designated and  
12 commonly known and operated as a bed and breakfast, a catering estab-  
13 lishment, or other food and drinking establishment in or adjacent to the  
14 licensed premises and sell at such place, at retail for consumption on  
15 the premises, beer, cider, and braggot manufactured by the licensee and  
16 any New York state labeled beer, New York state labeled braggot or New  
17 York state labeled cider. All of the provisions of this chapter relative  
18 to licenses to sell beer, cider, and braggot at retail for consumption  
19 on and off the premises shall apply so far as applicable to such licen-  
20 see. Notwithstanding any other provision of law, the licensed farm  
21 brewery may apply to the authority for a license under this chapter to  
22 sell other alcoholic beverages at retail for consumption on the premises  
23 at such establishment;

24 § 4. Subparagraph (ii) of paragraph (f) of subdivision 2 of section  
25 58-c of the alcoholic beverage control law, as amended by chapter 431 of  
26 the laws of 2014, is amended to read as follows:

27 (ii) operate a restaurant, a hotel, an establishment designated and  
28 commonly known and operated as a bed and breakfast, a catering estab-  
29 lishment, or other food and drinking establishment in or adjacent to the  
30 licensed premises and sell at such place, at retail for consumption on  
31 the premises, cider manufactured by the licensee and any New York state  
32 labeled cider. All of the provisions of this chapter relative to licen-  
33 sees to selling cider at retail shall apply. Notwithstanding any other  
34 provision of law, the licensed farm cidery may apply to the authority  
35 for a license under this chapter to sell other alcoholic beverages at  
36 retail for consumption on the premises at such establishment;

37 § 5. Subparagraph (ii) of paragraph (e) of subdivision 2-c of section  
38 61 of the alcoholic beverage control law, as amended by chapter 431 of  
39 the laws of 2014, is amended to read as follows:

40 (ii) operate a restaurant, a hotel, an establishment designated and  
41 commonly known and operated as a bed and breakfast, a catering estab-  
42 lishment, or other food and drinking establishment in or adjacent to the  
43 licensed premises and sell at such place, at retail for consumption on  
44 the premises, liquor manufactured by the licensee and any New York state  
45 labeled liquor. All of the provisions of this chapter relative to  
46 licenses to sell liquor at retail for consumption on the premises shall  
47 apply so far as applicable to such licensee. Notwithstanding any other  
48 provision of law, the licensee may apply to the authority for a license  
49 under this chapter to sell other alcoholic beverages at retail for  
50 consumption on the premises at such establishment.

51 § 6. Subdivision 5-a of section 64 of the alcoholic beverage control  
52 law, as added by chapter 480 of the laws of 2003, is amended to read as  
53 follows:

54 5-a. Notwithstanding the provisions of subdivision five of this  
55 section, a liquor license may be issued under this section to an estab-  
56 lishment designated and commonly known and operated as a "bed and break-

1 fast" regardless of whether or not a restaurant is operated in such  
2 establishment[~~, provided that such license shall only permit the sale of~~  
3 ~~alcoholic beverages to overnight guests of such establishment~~].

4 § 7. Subdivision 4-a of section 76 of the alcoholic beverage control  
5 law, as amended by chapter 431 of the laws of 2014, is amended to read  
6 as follows:

7 4-a. A licensed winery may operate a restaurant, a hotel, an estab-  
8 lishment designated and commonly known and operated as a bed and break-  
9 fast, a catering establishment, or other food and drinking establishment  
10 in or adjacent to the licensed premises and sell at such place, at  
11 retail for consumption on the premises, wine and wine products manufac-  
12 tured by the licensee and any New York state labeled wine or New York  
13 state labeled wine product. All of the provisions of this chapter rela-  
14 tive to licenses to sell wine at retail for consumption on the premises  
15 shall apply so far as applicable to such licensee. Notwithstanding any  
16 other provision of law, the licensed winery may apply to the authority  
17 for a license under article four of this chapter to sell other alcoholic  
18 beverages at retail for consumption on the premises at such establish-  
19 ment.

20 § 8. Subdivision 4-a of section 76 of the alcoholic beverage control  
21 law, as amended by chapter 522 of the laws of 2018, is amended to read  
22 as follows:

23 4-a. A licensed winery may operate a restaurant, a hotel, an estab-  
24 lishment designated and commonly known and operated as a bed and break-  
25 fast, a catering establishment, or other food and drinking establishment  
26 in or adjacent to the licensed premises and sell at such place, at  
27 retail for consumption on the premises, wine, mead and wine products  
28 manufactured by the licensee and any New York state labeled wine, mead  
29 or New York state labeled wine product. All of the provisions of this  
30 chapter relative to licenses to sell wine at retail for consumption on  
31 the premises shall apply so far as applicable to such licensee.  
32 Notwithstanding any other provision of law, the licensed winery may  
33 apply to the authority for a license under article four of this chapter  
34 to sell other alcoholic beverages at retail for consumption on the prem-  
35 ises at such establishment.

36 § 9. Paragraph (f) of subdivision 2 of section 76-a of the alcoholic  
37 beverage control law, as amended by chapter 431 of the laws of 2014, is  
38 amended to read as follows:

39 (f) operate a restaurant, a hotel, an establishment designated and  
40 commonly known and operated as a bed and breakfast, a catering estab-  
41 lishment, or other food and drinking establishment in or adjacent to the  
42 licensed premises and sell at such place, at retail for consumption on  
43 the premises, wine, cider and wine products manufactured by the licensee  
44 and any New York state labeled wine, New York state labeled cider or New  
45 York state labeled wine product. All of the provisions of this chapter  
46 relative to licenses to sell wine at retail for consumption on the prem-  
47 ises shall apply so far as applicable to such licensee. Notwithstanding  
48 any other provision of law, the licensed winery may apply to the author-  
49 ity for a license under article four of this chapter to sell other alco-  
50 holic beverages at retail for consumption on the premises at such estab-  
51 lishment.

52 § 10. Paragraph (f) of subdivision 2 of section 76-a of the alcoholic  
53 beverage control law, as amended by chapter 522 of the laws of 2018, is  
54 amended to read as follows:

55 (f) operate a restaurant, a hotel, an establishment designated and  
56 commonly known and operated as a bed and breakfast, a catering estab-

1 lishment, or other food and drinking establishment in or adjacent to the  
2 licensed premises and sell at such place, at retail for consumption on  
3 the premises, wine, cider, and mead manufactured by the licensee and any  
4 New York state labeled wine, New York state labeled cider, New York  
5 state labeled mead or New York state labeled wine product. All of the  
6 provisions of this chapter relative to licenses to sell wine at retail  
7 for consumption on the premises shall apply so far as applicable to such  
8 licensee. Notwithstanding any other provision of law, the licensed farm  
9 winery may apply to the authority for a license under this chapter to  
10 sell other alcoholic beverages at retail for consumption on the premises  
11 at such establishment.

12 § 11. This act shall take effect immediately; provided however, that:

13 (a) the amendments to paragraph (g) of subdivision 2 of section 51-a  
14 of the alcoholic beverage control law made by section three of this act  
15 shall take effect on the same date and in the same manner as section 10  
16 of chapter 522 of the laws of 2018, takes effect;

17 (b) the amendments to subdivision 4-a of section 76 of the alcoholic  
18 beverage control law made by section eight of this act shall take effect  
19 on the same date and in the same manner as section 18 of chapter 522 of  
20 the laws of 2018, takes effect; and

21 (c) the amendments to paragraph (f) of subdivision 2 of section 76-a  
22 of the alcoholic beverage control law made by section ten of this act  
23 shall take effect on the same date and in the same manner as section 21  
24 of chapter 522 of the laws of 2018, takes effect.

25 Effective immediately the addition, amendment and/or repeal of any  
26 rule or regulation necessary for the implementation of this act on its  
27 effective date are authorized to be made and completed on or before such  
28 date.